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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**



Declaration  
Submitted  
with Initial  
Filing

OR



Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number

GEMF 2050-1

First Named Inventor

WILLIAM K. BISCHSEL

**COMPLETE IF KNOWN**

Application Number

/ UNKNOWN

Filing Date

Concurrently Herewith

Group Art Unit

UNKNOWN

Examiner Name

UNKNOWN

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DEVICE AND METHOD FOR VARIABLE  
ATTENUATION OF AN OPTICAL CHANNEL**

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application  
Number(s)

Country

Foreign Filing Date  
(MM/DD/YYYY)Priority  
Not ClaimedCertified Copy Attached?  
YES NO
☐  
☐  
☐  
☐
☐  
☐  
☐  
☐
☐  
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☐


Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

Express Mail Label No. EL685694324

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ☒ Customer Number **22,470** OR ☐ Correspondence address below

Name

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR : ☐ A petition has been filed for this unsigned inventor

Given Name

WILLIAM K.

Family Name  
or Surname

BISCHEL

(first and middle [if any])

Inventor's  
Signature

*William K. Bischel*

Date

*7/25/01*

Residence: City

MENLO PARK

State

CA

Country

USA

Citizenship

USA

Mailing Address

740 OLIVE STREET

City

MENLO PARK

State

CA

ZIP

94025

Country

USA

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

TONY C.

Family Name  
or Surname

KOWALCZYK

(first and middle [if any])

Inventor's  
Signature

*Tony Kowalczyk*

Date

*7/25/01*

Residence: City

PALO ALTO

State

CA

Country

USA

Citizenship

USA

Mailing Address

1850 ASH STREET

City

PALO ALTO

State

CA

ZIP

94306

Country

USA

☐ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

Please type a plus sign (+) inside this box → ☐

PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	Unknown
Filing Date	Concurrently-Herewith
First Named Inventor	William K. Bischel
Title	DEVICE AND METHOD FOR VARIABLE ATTENUATION OF AN OPTICAL CHANNEL
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	GEMF 2050-1

I hereby appoint:

☒ Practitioners at Customer Number

22,470

OR

☐ Practitioner(s) named below:



Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

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☒ Firm or  
Individual Name

HAYNES BEFFEL & WOLFELD LLP

Address

P.O. Box 366

Address

City

Half Moon Bay

State

CA

Zip

94019

Country

United States of America

Telephone

(650) 712-0340

Fax

(650) 712-0263

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

### SIGNATURE of Applicant or Assignee of Record

Name

William K. Bischel, Inventor

Signature

X *William K. Bischel*

Date

X 7/25/01

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of one forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Attorney Docket Number	GEMF 2050-1

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### SIGNATURE of Applicant or Assignee of Record

Name

Nancy L. Dearborn, Vice President Human Resources and Legal Affairs

Signature

X *Nancy L. Dearborn*

Date

X 8/28/01

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of one forms are submitted.

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Filing Date	Concurrently Herewith
First Named Inventor	William K. Bischel
Title	DEVICE AND METHOD FOR VARIABLE ATTENUATION OF AN OPTICAL CHANNEL
Group Art Unit	Unknown
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Attorney Docket Number	GEMF 2050-1

I hereby appoint:

☒ Practitioners at Customer Number

22,470

OR

☐ Practitioner(s) named below:

Name	Registration Number



as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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Individual Name

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☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

### SIGNATURE of Applicant or Assignee of Record

Name

Tony C. Kowalczyk, Inventor

Signature

Date

X 7/25/01

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of one forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: William K. Bischel and Tony C. Kowalczyk  
 Application No./Patent No.: Unknown Filed/Issue Date: Concurrently Herewith  
 Entitled: Device and Method for Variable Attenuation of an Optical Channel  
Gemfire Corporation, a Corporation  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
 2. ☐ an assignee of less than the entire right, title and interest.  
 The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
 2. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
 3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[x] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

X 7/25/01  
 Date

Nancy L. Dearborn

Typed or printed name

X Nancy Dearborn

Signature

Vice President Human Resources and Legal Affairs

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Express Mail Label No. EL685694324

COPY

Atty Docket: GEMF 2050-1

**JOINT TO CORPORATE  
ASSIGNMENT OF PATENT APPLICATION**

WHEREAS, William K. Bischel, a resident of Menlo Park, California and Tony C. Kowalczyk, hereinafter referred to as "Assignors," are co-inventors of the invention described and have invented certain new and useful improvements in:

***Device and Method for Variable Attenuation of an Optical Channel***

and have executed an oath or declaration of inventorship for said application.

WHEREAS, Gemfire Corporation, a California corporation, located at 2741 East Bayshore Road, #600, Palo Alto, California 94303, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

00919711-030101

IN TESTIMONY WHEREOF, Assignor has signed his name on the date indicated.

Dated: 7/25/01

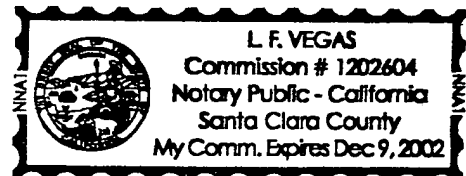
William K. Bischel  
WILLIAM K. BISCHEL

State of California  
County of Santa Clara

On July 25, 2001 before me, L.F. Vegas, notary public, personally appeared William K. Bischel, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature L.F. Vegas



09919711-080101



IN TESTIMONY WHEREOF, Assignor has signed his name on the date indicated.

Dated: July 25, 2001

Tony C. Kowalczyk  
TONY C. KOWALCZYK

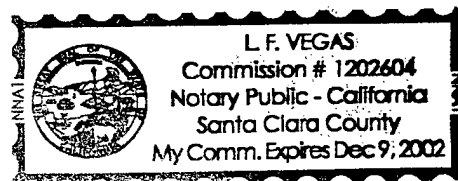
State of California  
County of Santa Clara

On July 25, 2001 before me, L.F. Vegas, notary public, personally appeared Tony C. Kowalczyk, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature

L.F. Vegas



09919711-080101